

**THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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YORKTOWN CENTRAL  
SCHOOL DISTRICT,

Plaintiff,

Civil Action No.: 07 - 8648  
(SCR)

-against-

ECF CASE

MONSANTO COMPANY,  
PHARMACIA CORPORATION,  
PECORA CORPORATION and  
JOHN DOES 1-20,

Defendants.

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**ORDER**

AND NOW, this                      day of                      , 2007, upon consideration of the Motion of Defendants Monsanto Company and Pharmacia Corporation to Dismiss Complaint, and any response thereto, it is hereby ORDERED that the motion is GRANTED.

It is further ORDERED that the following causes of action set forth in the Yorktown Central School District's complaint are dismissed with prejudice as untimely filed pursuant to the applicable statutes of limitations:

1. misrepresentation and fraudulent concealment;
2. negligence and recklessness;
3. strict products liability for manufacturing defect;
4. strict products liability for failure to warn;
5. strict products liability for design defect;
6. breach of express warranty;
7. breach of implied warranty of fitness;
8. breach of implied warranty of merchantability; and
9. violations of New York's General Business Law.

It is further ORDERED that the following causes of action set forth in the District's complaint against Defendants Monsanto Company and Pharmacia Corporation are also dismissed with prejudice for the District's failure to plead all elements essential to state a cause of action against those defendants:

1. misrepresentation and fraudulent concealment;
2. negligence and recklessness;
3. strict products liability for manufacturing defect;
4. strict products liability for failure to warn;
5. strict products liability for design defect;
6. breach of express warranty;
7. implied warranty of fitness;
8. implied warranty of merchantability;
9. New York's General Business Law, §§ 349, 350;
10. indemnification for past and future injuries;
11. punitive damages; and
12. costs for removal of window caulking.

BY THE COURT:

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Stephen C. Robinson, U.S.D.J.